

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

JAMES L. FISHBURNE,

Plaintiff,

V.

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

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Civil Action No. 2:04-22213-RBH-RSC

ORDER

Defendant, Jo Anne B. Barnhart, Commissioner of Social Security, by her undersigned attorneys, Jonathan S. Gasser, Acting United States Attorney for the District of South Carolina, and Marvin J. Caughman, Assistant United States Attorney for said district, has moved this Court, pursuant to 42 U.S.C. § 405(g), to enter a judgment with an order of reversal with remand of the cause to the Commissioner for further administrative proceedings. Counsel for the plaintiff has consented to this motion.

Pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), and in light of the Commissioner's request for remand of this action for further proceedings, this Court hereby:

REVERSES the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a **REMAND** of the cause to the Commissioner for further administrative proceedings.¹ See *Shalala v. Schaefer*, 509 U.S. 292, 297 (1993).

AND IT IS SO ORDERED.

Robert Carr

April 25, 2005

Charleston, South Carolina

The clerk of the Court will enter a separate judgment pursuant to the Federal Rules of Civil Procedure, Rule 58.